

## United States Patent and Trademark Office



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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,607		12/24/2003	Joseph Franklin Frasca		1606
29775	7590	09/06/2005		EXAM	INER
		LIN FRASCA	JOHNSON,	JOHNSON, STEPHEN	
	479 EAST PACES FERRY ROAD, NE APT #1121 ATLANTA, GA 30305-3318				PAPER NUMBER
	,			3641	
				DATE MAILED: 09/06/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILLING DATE OF THIS COMMUNICATION.  Endemions of time may be available under the provision of 37 CPR 1.136(a). In or event, however, may a reply be timely fixed after SIX (6) MONTHS from the nating date of this communication.  Failuble to reply while the set or excluded period for reply with by state of the communication.  Failuble to reply while the set or excluded period for reply with by state to become ABANDONED (34 U.S. € 1.33). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any seared patter than adjustment. Set 37 CPR 1.704(b).  Status  1) Responsive to communication(s) filled on 24 December 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.23 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  8) Claim(s) 1.23 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) All by		Application No.	Applicant(s)					
Stephen M. Johnson   3641		10/707,607	FRASCA, JOSEPH FRANKLIN					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ∫ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Exercised of the may be generalled under the provisions of 37 CR1-138(b). In so event, however, way a reply be teinely field. If NO period for reply is specified above, the nearment statistics precised will apply and will expire SIX (8) MONTHS from the realing date of this communication. Failur to reply within the set or extended period for right will, by statistic exceeds application to score abstraction (5.9 S.C. 5 130). Any reply received by the Office liser than these months after the mainting date of this communication, even if sirely filed, may reduce any search plant them alignment. Sets 37 CR 17-126(c). Sets 17 CR 17-126(c). This action is FINAL.  2b) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-23 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are rejected.  7) Claim(s) is/are rejected.  7) Claim(s) is/are rejected to.  8) Claim(s) first are rejected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) or (f).  a) All b) Some *C  Mone of:  1 Certified copies of the priority documents have been received in Application No.  3 Copies of the certified copies of the priority documents have been received in Application No.  3 Copies of the certified copies of the priority documents	Office Action Summary	Examiner	Art Unit					
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1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species A is illustrated in figs. 4-9. Species B is illustrated in figs. 10-13. Species C is illustrated in figs. 14-18. Species D is illustrated in figs. 19-25. Species E is illustrated in figs. 27-36. Species F is illustrated in figs. 37-41. Species G is illustrated in figs. 42-43. Species H is illustrated in fig. 44.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877.
 The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

STEPHEN M. JOHNSON

Stephen M. Johnson Primary Examiner Art Unit 3641

PRIMARY EXAMINER
SMJ

August 31, 2005